

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HAMILTON, *et al.*, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

NUWEST GROUP HOLDINGS, LLC,

Defendant.

Case No. 2:22-cv-01117-RSM

**STIPULATED MOTION AND ORDER TO
FILE SECOND AMENDED COMPLAINT
AND STAY CASE DEADLINES PENDING
MEDIATION**

**NOTE ON MOTION CALENDAR:
December 14, 2023**

Pursuant to Local Civil Rules 7(d)(1), 10(g), and 15, the parties hereby submit the following stipulated motion seeking to permit Plaintiffs to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) and staying all other case deadlines pending mediation. In support of this stipulated motion, the parties state:

1. On January 9, 2023, this Court entered an order granting in part Defendant's motion to dismiss, holding that Plaintiffs do not have standing to assert state law claims in states other than those in which they worked and were injured. *See* ECF No. 37 at 6–7.

STIPULATED MOTION TO FILE SECOND AMENDED
COMPLAINT AND STAY CASE DEADLINES PENDING
MEDIATION - 1
Case No. 2:22-cv-01117-RSM

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1 2. On May 22, 2023, the Court issued an order granting in part Plaintiffs' motion for
2 conditional collective certification, which set an opt-in deadline of 90 days from the mailing of
3 Notice. *See* ECF No. 52. This deadline passed in September.

4 3. Plaintiffs now seek to file the attached Second Amended Complaint (Ex. A), which
5 includes additional named plaintiffs and claims under state laws where these new plaintiffs worked
6 for Defendant. Plaintiffs contend (and Defendant does not oppose) that there is good cause to
7 permit this amendment as additional individuals learned of this case as part of the opt-in process
8 and expressed an interest in joining the lawsuit. Additionally, the newly-added plaintiffs assert that
9 they have standing to bring additional claims based on the states in which they worked, some of
10 which were previously dismissed for lack of standing.

11 4. Without waiving any of its rights or defenses with respect to Plaintiffs' Second
12 Amended Complaint, including but not limited to the right to file a responsive pleading challenging
13 the newly-added state law claims, Defendant consents to the filing of the Second Amended
14 Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

15 5. The parties have also retained well-known mediator Lynn P. Cohn of Northwestern
16 Law School and agreed to participate in an in-person mediation on January 23, 2024. In
17 conjunction with mediation, the parties are exchanging relevant documents, wage-and-hour data,
18 and other information.

19 6. To help facilitate settlement, the parties respectfully request that Defendant's
20 deadline to file a responsive pleading to the Second Amended Complaint be stayed, along with the
21 parties' current discovery obligations and deadlines. The only Court-appointed deadline is the
22

parties' briefing schedule on class certification, with Plaintiffs' motion due on March 15, 2024.
See ECF No. 97.

7. The parties propose filing a joint status report reporting on the outcome of the mediation on or before January 31, 2024. If the case is not resolved at or following the mediation, the parties will submit a proposed revised schedule for the Court's consideration that will include a revised deadline of not less than 21 days after January 31, 2024 to file a responsive pleading to the Second Amended Complaint and a revised schedule for class certification briefing.

I certify that this memorandum contains 469 words, in compliance with the Local Civil Rules.

DATED this 14th day of December, 2023.

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STIPULATED MOTION TO FILE SECOND AMENDED
COMPLAINT AND STAY CASE DEADLINES PENDING
MEDIATION - 3

Case No. 2:22-cv-01117-RSM

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DATED this 14th day of August, 2023

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STIPULATED MOTION TO FILE SECOND AMENDED
COMPLAINT AND STAY CASE DEADLINES PENDING
MEDIATION - 4
Case No. 2:22-cv-01117-RSM

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ORDER

Pursuant to the Parties' Stipulated Motion, IT IS SO ORDERED. Plaintiffs shall file the Second Amended Complaint attached to the Stipulated Motion within five days of this Order.

The case is stayed, including Defendant's deadline to respond to the Second Amended Complaint, pending mediation between the Parties.

The Parties shall file a joint status report on the outcome of mediation no later than January 31, 2024. If the case is not resolved at or following the mediation, the Parties will submit a proposed revised schedule for the Court's consideration that will include a revised deadline of not less than 21 days after January 31, 2024, to file a responsive pleading to the Second Amended Complaint and a revised schedule for class certification briefing.

DATED this 15th day of December, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE